

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES DAVID GRIEPSMA,

Plaintiff,

v.

CHRISTIAN J. ANDERSEN, et al.,

Defendants.

Case No. 2:21-cv-00302-JCC

PRETRIAL ORDER
(JOINT LCR 16.1)

I. JURISDICTION

The parties agree that the Court has subject matter jurisdiction of Plaintiff's claims pursuant to 42 U.S.C. §1983. The parties also agree that the events which gave rise to Plaintiff's claims occurred in western Washington state and, accordingly, venue is proper in the United States District Court for the Western District of Washington pursuant to 28 U.S.C. §1391(b).

II. CLAIMS AND AFFIRMATIVE DEFENSES

Plaintiff will pursue the following claim:

1. Eighth amendment, 42 U.S.C § 1983 excessive force claim against Defendants Anderson and Stramler.

Defendants will pursue the following affirmative defenses:

1. Mr. Griepsma fails to state a 42 U.S.C § 1983 excessive force claim against the Defendants upon which relief can be granted.

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- 1 2. Mr. Griepsma's claims against the individual Defendants are barred by the doctrine of
2 qualified immunity.

3 **III. ADMITTED FACTS**

4 Defendants present the following facts to which they are willing to admit, with marked
5 sections being modifications to the Plaintiff's proposed statement of fact.
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- 7 1. On April 3, 2019, plaintiff was transported from Department of Corrections in Monroe to
8 the Skagit County Community Justice Center for his sentencing hearing in connection with
9 trial that had recently occurred.
- 10 2. Plaintiff was being held at the Department of Corrections as a courtesy hold for the Skagit
11 County Jail.
- 12 3. Plaintiff was restrained by a waist chain with handcuffs attached and leg restraints at the
13 ankles.
- 14 4. Plaintiff was representing himself.
- 15 5. During his sentencing hearing, plaintiff spoke over the Court and prosecutor, and made
16 statements which included expletives.
- 17 6. When asked to sign the judgment and sentence, plaintiff stated that he would not sign it.
- 18 7. Plaintiff requested a copy of the judgment and sentence.
- 19 8. Defendant Andersen left the courtroom to make a copy of the sentence and judgment for
20 plaintiff.
- 21 9. While plaintiff was waiting to be fingerprinted and for his copy, plaintiff spat on the Deputy
22 Prosecutor in the courtroom.
- 23 10. As a result, officers placed a spit hood on plaintiff and restrained him.
- 24 11. Defendant Andersen returned to the courtroom with the judgment and sentence.

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12. Plaintiff was directed to provide fingerprints on the judgment and sentence, but refused.

13. A struggle ensued to apply fingerprints to the judgment and sentence.

IV. ISSUES OF LAW

Defendants assert that the Court should decide the issues of law stated below and instruct the jury on these issues:

1. To establish a §1983 excessive force claim against each individual Defendant, Mr. Griepsma must prove that each Defendant, through his or her own individual actions as a public official, violated the Constitution. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).
2. To establish a §1983 excessive force claim against each individual Defendant, Mr. Griepsma must prove the particulars of conduct, time and place of the individual Defendant's alleged constitutional violation. See *Evancho v. Fisher*, 423 F.3d 347, 354 (3rd Cir. 2005).
3. To defeat the qualified immunity of any individual defendant, Mr. Griepsma must prove both the individual defendant's violation of his constitutional right and the existence of clearly established law of which a reasonable person in the individual defendant's situation would have known that his or her conduct was unlawful in the situation he or she confronted. *Saucier v. Katz*, 533 U.S. 194, 202 (2001), *overruled in part by Pearson v. Callahan*, 555 U.S. 223 (2009).

V. EXPERT WITNESSES

Neither party has expert witnesses.

VI. OTHER WITNESSES

The names and addresses of witnesses, other than experts, to be used by each party at the time of trial and the general nature of the testimony of each are:

(a) On behalf of plaintiff:
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Name	Nature of Expected Testimony	Will Testify	Possible Witness Only
James Griepsma, Concrete, WA		X	

(b) On behalf of defendant:

Name	Nature of Expected Testimony	Will Testify	Possible Witness Only
Christian Andersen c/o Skagit County Community Justice Center 201 Suzanne Lane, Mount Vernon, WA 98273	Skagit County Jail Sergeant. He will testify as to his experiences and observations of Mr. Griepsma, his knowledge about Mr. Griepsma's prior incidents with Skagit County Jail officials, information provided to him by DOC Officers of Mr. Griepsma's planned conduct on April 3, 2019, Mr. Griepsma's conduct and demeanor in Court proceedings on April 3, 2019, the actions of Mr. Griepsma after sentencing and the actions he and others took in response including the level of force he used and reason for discontinuing to use force.	X	
Jackson Stramler c/o Skagit County Community Justice Center 201 Suzanne Lane, Mount Vernon, WA 98273	Former Deputy at the Skagit County Jail. He will testify about his past experiences with Mr. Griepsma, his knowledge about Mr. Griepsma's prior incidents with Skagit County Jail officials, Mr. Griepsma's conduct and demeanor in Court proceedings on April 3, 2019, the actions of Mr. Griepsma after sentencing and the actions he and others took in response including the level of force he used and reason for discontinuing to use force.	X	
Branden Platter c/o Skagit County Prosecutor's Office	Skagit County Deputy Prosecutor. His testimony would be about the proceeding for which Mr. Griepsma had just been sentenced, his past experience with Mr. Griepsma and Mr. Griepsma's conduct and demeanor in Court on April 3, 2019.		X

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Guillermo Garcia c/o Skagit County Community Justice Center 201 Suzanne Lane, Mount Vernon, WA 98273	Skagit County Jail Deputy. His testimony would be about his past experiences with Mr. Griepsma, his knowledge about Mr. Griepsma's prior incidents with Skagit County Jail officials, Mr. Griepsma's conduct and demeanor in Court proceedings on April 3, 2019, the actions of Mr. Griepsma after sentencing and the actions he and others took in response.		X
Douglas Faddis c/o Skagit County Community Justice Center 201 Suzanne Lane, Mount Vernon, WA 98273	Skagit County Jail Deputy. His testimony would be about his past experiences with Mr. Griepsma, his knowledge about Mr. Griepsma's prior incidents with Skagit County Jail officials, Mr. Griepsma's conduct and demeanor in Court proceedings on April 3, 2019, the actions of Mr. Griepsma after sentencing and the actions he and others took in response.		X
Cameron Banas c/o Skagit County Community Justice Center 201 Suzanne Lane, Mount Vernon, WA 98273	Skagit County Jail Deputy. His testimony would be about his past experiences with Mr. Griepsma, his knowledge about Mr. Griepsma's prior incidents with Skagit County Jail officials, Mr. Griepsma's conduct and demeanor in Court proceedings on April 3, 2019, the actions of Mr. Griepsma after sentencing and the actions he and others took in response.		X
Brandon Webb c/o Department of Corrections, 16550 177th Avenue SE Monroe, WA 98272	DOC Officer. His testimony would be about transport of Mr. Griepsma including threats during transport and communications of those threats to Skagit County Jail deputies, Mr. Griepsma's conduct and demeanor in Court proceedings on April 3, 2019, the actions of Mr. Griepsma after sentencing and the actions he and others took in response.		X
Vitaliy Boychenko c/o Department of Corrections, 16550 177th Avenue SE	DOC Officer. His testimony would be about transport of Mr. Griepsma, Mr. Griepsma's conduct and demeanor in Court proceedings on April 3, 2019, the actions of Mr. Griepsma after		X

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SKAGIT COUNTY PROSECUTING ATTORNEY

605 S Third St
Mount Vernon, WA 98273-3867
Phone: (360) 416-1600
Fax: (360) 416-1649

Monroe, WA 98272	sentencing and the actions he and others took in response and infraction issued against Mr. Griepsma.		
Johnathan Scott c/o Department of Corrections, 16550 177th Avenue SE Monroe, WA 98272	DOC Officer. His testimony would be about transport of Mr. Griepsma, Mr. Griepsma's conduct and demeanor in Court proceedings on April 3, 2019, the actions of Mr. Griepsma after sentencing and the actions he and others took in response.		X
Mickey Alvis c/o Department of Corrections, 16550 177th Avenue SE Monroe, WA 98272	DOC Officer. His testimony would be about transport of Mr. Griepsma, Mr. Griepsma's conduct and demeanor in Court proceedings on April 3, 2019, the actions of Mr. Griepsma after sentencing and the actions he and others took in response.		X
Jana Robinson c/o Department of Corrections, 16550 177th Avenue SE Monroe, WA 98272	DOC RN2. Present during assessment of physical injuries of Mr. Griepsma upon return to DOC on April 3, 2019, testimony would include observations of Mr. Griepsma and photographs taken.		X
Lawrence Bradford c/o Department of Corrections, 16550 177th Avenue SE Monroe, WA 98272	DOC Officer. Would testify about physical injuries he observed and the video created during operation of video camera at 1320 on April 3, 2019. during debrief of Mr. Griepsma upon return to DOC.		X

VII. EXHIBITS

1. Plaintiff's List of Proposed Trial Exhibits including comments.

Plaintiff's Exhibits					
Ex. #	Description	Authenticity	Admissibility	Objection	Admitted
# 1	Video of events	Stipulated	Stipulated	None	Yes
# 2	Demonstrative waist and ankle cuffs to be brought to Court	Stipulated	Stipulated	None	Yes
# 3	Declaration of	Stipulated	Stipulated	None	Yes

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	Anderson Dkt 106				
# 4	Declaration of Banas Dkt 107	Stipulated	Stipulated	None	Yes
# 5	Declaration of Faddis Dkt 108	Stipulated	Stipulated	None	Yes
# 6	Declaration of Garcia Dkt 109	Stipulated	Stipulated	None	Yes
# 7	Declaration of Stramler Dkt 110	Stipulated	Stipulated	None	Yes
# 8	December 2018 Custody Policy	Stipulated	Stipulated	None	Yes

No objections to the exhibits identified above.

2. Defendants' List of Proposed Trial Exhibits including Comments.

In addition to the exhibits identified above, Defendants may use the following exhibits at the time of trial, in electronic format, to the jurors:

Defendant's Exhibits					
Ex. #	Description	Authenticity	Admissibility	Objection	Admitted
#101	Verbatim Report of Proceedings Sentencing Hearing: State v. Griepsma Skagit County Superior Court number 18-1-00209-29; Court of Appeals Number 79806-5-I Sentencing Transcript Dkt. 105 p. 69-83	Stipulated	Stipulated	None	Yes
#102	Felony Judgment and Sentence: State v. Griepsma, Skagit County Superior Court number 16-1-00153-29 Dkt. 150 p. 27-36	Stipulated	Disputed	FRE 402-404; Pltf MIL 2	To be determined
#103	Order of Restitution: State v. Griepsma,	Stipulated	Disputed	FRE 402-404; Pltf MIL 2	To be determined

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	Skagit County Superior Court number 16-1-00153-29 Restitution Order Dkt. 150 p. 38-40				d
104	Certified Copy – Felony Judgment and Sentence: State v. Griepsma Skagit County Superior Court number 18-1-00209- 29, April 13, 2019 Dkt. 105 p. 85-96	Stipulated	Stipulated	None	Yes
105	Photo Description DOC Griepsma - Front Bates 12010017	Stipulated	Stipulated	None	Yes
106	Photo Description DOC Griepsma – Left Face Bates 12010018	Stipulated	Stipulated	None	Yes
107	Photo Description DOC Griepsma – Right Face Bates 12010019	Stipulated	Stipulated	None	Yes
108	Photo Description DOC Griepsma – Right Shoulder Bates 12010020	Stipulated	Stipulated	None	Yes
109	Photo Description DOC Griepsma – Left Shoulder Bates 12010021	Stipulated	Stipulated	None	Yes
110	Photo Description DOC Griepsma – Front Chest Bates 12010022	Stipulated	Stipulated	None	Yes
111	Photo Description DOC Griepsma – Upper Back Bates 12010023	Stipulated	Stipulated	None	Yes

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112	Photo Description DOC Griepsma - Feet Bates 12010024	Stipulated	Stipulated	None	Yes
113	Photo Description DOC Griepsma – Hands - Back Bates 12010025	Stipulated	Stipulated	None	Yes
114	Photo Description DOC Griepsma – Hands - Palms Bates 12010026	Stipulated	Stipulated	None	Yes
115	DOC Reports Vitaliy Boychenko DOC Discovery page 12010003-4, 12080001, 12080003, 12080012	Stipulated	Stipulated	None	Yes
116	DOC Reports Brandon Webb DOC Discovery page 12010005-6, 12080006-7	Stipulated	Stipulated	None	Yes
117	DOC Reports Mickey Alvis DOC Discovery page 12010006-8, 12080008-9	Stipulated	Stipulated	None	Yes
118	Johnathan Scott DOC Discovery page 12010001	Stipulated	Stipulated	None	Yes
119	DOC Reports Jana Robinson DOC Discovery page 12010009	Stipulated	Stipulated	None	Yes
120	DOC Report Lawrence Bradford DOC Discovery page 12010010	Stipulated	Stipulated	None	Yes

VIII. DEPOSITION TRANSCRIPTS

No depositions occurred in this case.

IX. ACTION BY THE COURT

(a) This case is scheduled for trial before a jury on March 10, 2025, at 9:00 a.m.

(b) Motions in limine shall be presented in a joint brief on or before February 10, 2025.

(c) Proposed Jury Instructions, Verdict Form and this Pretrial Order shall be filed on or before February 10, 2025.

(d) Trial Briefs and other Filings including other suggested questions of either party shall be submitted to the court on or before February 10, 2025.

(d) Exhibits shall be filed and submitted to the Court March 10, 2025.

This order has been approved by the parties as evidenced by the signatures of their counsel.

This order shall control the subsequent course of the action unless modified by a subsequent order.

This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

DATED this 10th day of February 2025.

RICHARD A. WEYRICH
SKAGIT COUNTY PROSECUTING ATTORNEY

By /s/ Frederick Haist
ERIK PEDERSEN, WSBA #20015
Chief Civil Deputy Prosecuting Attorney

MORROW NI LLP

By /s/ Angus Ni
ANGUS F. NI, WSBA #53828
Attorney for James Griepsma

1 It is so ORDERED this 7th day of March 2025.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE